"I'm frowsy, I'm towzly, I'm odd-I look like a big bunch of slaw-But the roses and lilles and such-Why, I give them all the ha! ha! I'm the king of the flower-patch-yes, They all take a back seat when I come.
When my shaggy and ragged head shows
They say, 'Hail to King Chrysanthemum.'

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Bourbon and Rye

1891.

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CIGAR

That Is Making Friends.

P. L. CHAMBERS.

56 West Washington St.

THERE IS NO DANGER

FOR GAS AND OIL.

Fluids Do Not Cause Earthquakes-

Flow of Gas Increased.

PITTSBURG, Nov. 4.-The New York

correspondent of the Dispatch says: Tele-

graphic reports to the effect that, since the

recent earthquakes in Indiana, the flow of

gas in the natural-gas belt in that State

has increased 60 per cent., have given rise

sons that the long-continued and extensive

drain of gas from the earth's interior in

that neighborhood may have disturbed the

equilibrium of the pressure of forces be-

neath the surface, and so have been di-

James F. Kemp, professor of geology of

Columbia College, was asked to-day for

his views on the subject, and it was made

quickly evident that he does not share in

the opinion of the owners of natural-gas

wells in Indiana that they are in any way

responsible for the earthquakes. "If." said

Professor Kemp, "it is true, as reported,

that the flow of gas has been increased 60

per cent, since the earthquake, then we

will be forced to admit that the earthquake

is responsible for the enlarged gas sup-

ply, but we may by no means conclude in-

rectly responsible for the earthquake.

Entrance into Bates House Lobby

16 North Meridian Street.

The folks who come from all over the State to see the Chrysanthemum show are invited-same as our home folks-to see the great painting of Niagara Falls in the office court on the second floor of the When Block.

Our \$15 Winter Suits for men are as popular as chrysanthemums. They are made and trimmed as if the price mark read \$18 and \$20. Pretty near all the fashionable cloths and patterns to select from.

The When

There's a half-fare excursion rate on all railroads to this city tomorrow and Thursday.

BIG 4 ROUTE

\$14.25 ROUND TRIP \$14.25

ATLANTA

AND RETURN.

Tickets at above rates will be sold November 5, 15, and 25, December 5 and 16, good to re-

Ten Days from Date of Sale.

For tickets and full information call at Big Four offices, No. 1 East Washington street, 36 Jackson place and Union Station.

H. M. BRONSON, A. G. P. A.

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Cincinnati

Excursion

1 = ONE DOLLAR=

Sunday, November 10. SPECIAL FAST TRAIN leaves 7:30 a. m. Returning, leaves Cincinnati 7 p. m.

MONON ROUTE (Louisville, New Albany & Chicago Ry. Co.)

THE

CHICAGO SHORT LINE LEAVE INDIANAPOLIS.

Monon Accommodation, daily, except

ARRIVE AT INDIANAPOLIS. Pullman Vestibule Sleeper for Chicago stands at est end Union Station, and can be taken at 8:30 p. m.,

For further information call at Ticket Office, No. 2 West Washington street, Union Station and Massachu-FRANK J. REED, G. P. A. HAYLER, D. P. A.

PITTSBURG'S ART SHOW.

Many Rare Paintings on Exhibition in the New Carnegie Library.

PITTSBURG, Nov. 4.- The great collection of paintings in the galleries of the new Carnegie library building was opened to-day, and will remain on exhibition for one month. Critics, collectors and connoisseurs, of whom many of the leading ones were present from all over the country, pronounce it to be the most remarkable general assemblage of important paintings ever seen in this country, excepting only the loan collection at the world's fair. Many famous canvases adorn the walls, and the exhibition, which comprises paintings, has the merit of being not only representative of the best American painters, but of all the great European masters. Many paintings on exhibition have never hitherto been seen outside of

private galleries.

The galleries are six in number. the aggregate wall space is sixteen thousand square feet. To these galleries Mr. Carnegie has just given the magnificent endowment of \$1,000,000, the interest of which is annually to be expended for works of art. The credit for gathering together the present remarkable loan collection is due to Mr. John W. Beatty, secretary of the Pittsburg Art Society tary of the Pittsburg Art Society.

SPORTS BLAME JULIAN.

But for Him, They Say, the Fight Might Have Come Off.

NEW YORK, Nov. 4 .- Three of the Hot Springs prize-fighting contingent-Joseph H. Vendig, manager of the ill-fated Florida Athletic Club; James Kennedy, manager of the Empire Athletic Club, and "Charley" White, one of Fitzsimmons's trainers, arrived in New York to-night. All of them were greatly disgusted with their Western experiences, and Vendig laid the blame for the flasco on Julian, who, he said, has mismanaged Fitzsimmons's affairs from the bemmons was not afraid to meet Corbett. and that the fight would have taken place but for Julian's poor work. He blamed Julian for the failure of Fitzsimmons to take a special train for Hot Springs and thus evade the officers. Vendig said there was yet hope that the fight may be pulled off at El Paso, where Stuart has gone to make arrangements. Forfeits for the original match will not be paid.

River Steamer Sunk. MEMPHIS, Tenn., Nov. 4.- The steamer oe Peters, plying between this city and licksburg, sank at 12 o'clock last night it Island 63, 120 miles below this city. while on her way down to Vicksburg with a of about 120 tons of miscellaneou freight. No lives were lost. The captain and owner, A. L. Cumming, telegraphs that both boat and cargo are a total loss. The boat was valued at \$10,000 and was insured for \$5,500 in Louisville. The cargo was worth about \$3,500 and insured in shippers'

Death Caused by a Cat's Bite. DALLAS, Tex., Nov. 4.-Sergeant Mat-

REPUBLICANS MAY CARRY HITHER-TO DEMOCRATIC STATES.

> Bradley May Be Elected Governor of Kentucky and Lowndes Be Chosen in Gorman's Maryland.

NO CHANCE FOR MR. S BRICE

OHIO LEGISLATURE ALMOST CER-TAIN TO BE REPUBLICAN.

Poor Outlook for Democracy in New York, New Jersey, Nebraska, Iowa, Utah and Pennsylvania.

To-day's elections are of more than usual interest for an "off year." Seven States elect Governors, and in five there are Governors. Legislatures that will elect Senators are to be chosen in Ohio, Maryland, Kentucky and Iowa. In New York the Senate chosen this year will vote in 1897 for Hill's successor. In the various States the heads of the State tickets are: State. Democratic. Republican.

Miss....A. J. McLaurin...Frank Burkit.

Mass....Geo. F. Williams.F. T. Greenhalge.

N. Jer'y.A. T. McGill....John W. Griggs.

M'yl'nd.John E. Hurst...Lloyd Lowndes.

Ohio....Jas. E. Campbell.A. S. Bushnell.

K'nt'k'y.P. Wat Hardin...W. O. Bradley.

Iowa....W. I. Babb.....F. M. Drake.

Utah....John T. Caine....Heber M. Wells.

United States Senators are to be chosen

by Legislatures elected on Tuesday as fol-

by Legislatures elected on Tuesday as fol-Ohio-Vice Calvin S. Brice, Dem. Iowa-Vice William B. Allison, Rep. Maryland-Vice Charles H. Gibson, Dem. Kentucky-Vice Joseph C. S. Blackburn,

The Journal of Wednesday morning will have nearly complete returns from all the

THE FIGHT IN KENTUCKY.

Both Sides Confident, with Chances in Favor of Bradley.

LOUISVILLE, Nov. 4.-One of the hottest campaigns known in this State for many years has closed and if the weather is fair Kentucky will, to-morrow, poll the largest vote ever given. The fight, though there are four tickets in the field, is between the Republicans and Democrats for the State offices, beginning with Governor HOOSIERS NEED NOT FEAR TO BORE and running down to District Railroad Commissioner. For a time it looked as though the Populists would poll a large vote, but the old parties have whipped the would-be deserters into line and now, at the close of the fight, the finish is between Hardin, Democrat, and Bradley, Republican, for first honor-the office of Governor. The leaders named have been on the stump for two months, while all others on the respective tickets have been doing more or less pub-lic speaking. Each side claims the victory. Hardin's partisans and managers say that he will come to this city with fifteen thou-sand majority, while the friends of Bradley claim that he will win by not less than ten thousand. Both sides assert that this will favor their respective nominee, the chances are that the backers of to a very natural conclusion by many per-Hardin will be disappointed if they are carnest in their claims. All cities in the State will elect municipa tests are badly mixed. In this city there are three tickets, Republican, Democrat and Citizens'. The A. P. vote, said to be about

fourteen thousand, will be cast for the Republicans. The A. P. A.'s have taken this nounces the organization. The Democrats claim that they will carry Louisville, with the Republicans and A. P. A.'s put their majority at from eight to twelve thousand babilities are that the city will go Republican by, perhaps, three thousand. In addition to State and city officers, nineteen Senators and one hundred mem-bers of the House are to be elected, and this Legislature, in turn, will elect a United States Senator to succeed J. C. S. Black-burn. In this body the Democrats will have the advantage of nineteen hold-over Senators. There is little doubt that the Democrats will have a majority large enough to elect the Senator without trouble.

EVERYBODY AT SEA.

The Silent Voter Will Be a Great Fac-

tor in Maryland.

BALTIMORE, Md., Nov. 4.- The eve of

Maryland's most critical political battle

generals on both sides are claiming vic-

tory, but the tones in which they make

their boasts and the figures they cite as a

at sea, because, in the present contest, the

silent voter is a greater factor than he has

ever been in the history of Maryland poli-

ties. The hurrah part of the battle is over,

and the position of those who participated

in it is known and their votes already

counted by the party managers, but the

ballot of the silent voter is still in his pock-

The fierce and persistent attacks on Sena

tor Gorman and the outcry against what

his opponents term "Gormanism" has un-

doubtedly influenced many who have here

tofore voted the Democratic ticket, and

will induce them to vote against Hurst,

Upon the other hand, the very bitterness

of the attack has brought Mr. Gorman's

friends closer to him than ever before, and

they will get out every vote at their com-

mand. It is possible that the same condi-

tions will bring some voters to his aid who

have heretofore stood by the Republicans,

out of sheer admiration for the plucky fight

he is making against his enemies in his

own party. Then, too, the color line has been drawn for all it is worth, and every

known device has been taken advantage

lieve that Republican victory means negro

supremacy. With such arguments as these

as the sole issues in the campaign, it would

The officers to be elected are: Governor.

general, a Legislature which will elect a United States Senator, Mayor of Baltimore

city, city surveyor, State's attorney for

Baltimore city, three judges of the Or-phans' Court and a sheriff of Baltimore

POOR SHOW FOR BRICE.

Democrats May Carry the State, Yet

Lose the Legislature.

CINCINNATI, Nov. 4 .- On the eve of the

election the betting here is on the extent

of the reduction of Democratic plurality in

Kentucky and of the Republican plurality

in Ohio rather than on the result in either

State. In Ohio the Republicans have had

phenomenal pluralities for two years and

claim now a better organization than ever

before. They held an early State conven-

tion and went to work immediately. The

Democrats held a late convention, but

claim that the aggressiveness and popularity

of ex-Governor Campbell will get out the

full Democratic vote and show a close con-

While both parties have paid special at-

sor to Senator Brice, it is con-

tention to the Legislature, which selects

ceded that the Republicans have an ad-

vantage in the apportionment which stands till after the census of 1900. Senator Sher-man has had Democratic colleagues by the

State going Democratic every sixth year since Ailen G. Thurman was chosen Senator by the Legislature elected in 1867. Thurman served twelve years, Pendleton, Payne

and Brice each six years. The Democratic State ticket might be elected by a decisive plurality and the Legislature be Repub-

lican. It is conceded that the Republicans can control the Legislature without Hamil-

Controller of the State Treasury, Attorney.

of to lead the voters of Maryland to be

et. and this year his name is legion.

who is known as Mr. Gorman's can

versely that the escape of gas was originally responsible for the earthquake. "I am, in fact, convinced that it would have had nothing whatever to do with it. and I think it will be an admirable thing on the part of the Dispatch to reassure dwellers on the line of the great natural oil and gas belts that the operation of drawing gas and oil from the earth's interior may be continued with entire impunity, so far as creating earthquakes is concerned. It is a recognized fact that the natural gas and oil which come to the surface with varying degrees of force in certain parts of the country are generated in porous limestone, which was itself formed posits of shells, animal and vegeable life. In the oil and gas districts of

ndiana and Ohio this stratum of limestone lies at perhaps an avergae of one thousand feet below the surface. Its for-mation is in a series of arches. "Above the porous limestone is an im-pervious cap of shale, which prevents the gas and oil in the limestone below from escaping to the surface, notwithstanding ndous pressure of water that i bearing upon it from above. When the cap of the shale over one of the limestone arches is penetrated by the drill of the well borer the gas, freed from its imprisonment, of course, ascends,

These ascending pillars of gas were at first attributed to a volcanic or explosive shown that it is the water pressure rom above that gives natural gas its rush of force. The amount of water pressure wil spond exactly to the force with which the gas comes out of the ground. This upsets entirely any theory that the natural gas is originated by any destructive or earth-changing combustion that is going on n the interior. It is purely the result of sition that has taken place in the strata of porous limestone, and, as it is extracted from the limestone, its place is illed with brine from below, so that the

"A shock of earthquake, such as the felt in Indiana recently, would almost of necessity so jar the limestone strata as to accelerate the escape of gas from its interstices; and, if that gas be able to make its way through the capping of shale, it must, perforce, come to the surface in greater volume than before. You, therefore see, as I said before, that the earthquake is responsible for the gas, and not the gas for the earthquake." When asked upon what theory he explained earthquakes in a non-volcanic portion of the earth like this, Professor Kemp "I think there can be no other theory than the cooling off of the earth's interior, and the consequent contraction of the sphere, which is incessantly going on. We

know that the earth is giving forth annually a sufficient amount of heat independent entirely of the sun's heat to melt layer of ice about three-fourths of an inch in thickness, I do not recall the ex-act degree. Through this cooling, and nt contraction, the whole crust of the earth is under a constant and terrific pressure, and it is not surprising that now and then a slip or a slide takes place between two masses of rock when the pressure is uneven. We have had but few uakes in America in the past, and I certainly do not see any reason for anticipating them in any greater numbers, certainly not for a long time to come."

Sunk by a Whaleback. DETROIT, Mich., Nov. 4.-Whaleback barge 18, bound up with coal, in tow of the steamer Samuel Mather, collided off Grosse oint, Lake St. Clair, to-night with the steamer Business, bound down with wheat. The Business was quite badly damaged and sunk in sixteen feet of water. She can easily be raised.

Failure at Philadelphia. PHILADELPHIA, Nov. 4.-Execution ton county, in which Cincinnati is located, but that the Democrats must have fourteen members from Hamilton county in order to get a legislative majority. As ex-Governor Foraker, who lives here, is a candidate for Brice's place, great interest is taken in the result in Hamilton county. The betting at odds is on it going Republican. The Prohibitionists claim the usual vote. General Coxey estimates forty thousand votes for himself as the Populist candidate for Governor. It is not believed that either the third or the fourth party will affect the contest between General Bushnell and ex-Governor Campbell or the legislative ex-Governor Campbell or the legislative tickets. There is indication of rain in Ohio

Governor McKinley's Estimate. MASSILLON, O., Nov. 4.-Governor Mc-Kinley remarked this afternoon that the State ticket ought to go through with no less than 60,000 plurality. "Last year the Republicans carried the State by 137,087," said he, "but the vote was about 60,000 short. Now, figuring liberally, I don't see how Mr. Campbell can possibly get more than 365,000 votes this year. Now, last year his party polled only 276,902 votes, so you see I have treated him well in my calculations. Last year the Republicans polled 413,-989 votes, so that if we hold only our own we will retain a comfortable margin. Since 1892 we have polled over 400,000 votes each year, and we rarely drop much below that. I anticipate a reaffirmation of the verdict that Ohio has registered every year since the inauguration of the present administra-tion, and its meaning this year will be that a second thought confirms the belief that United States senatorships at stake. Mississippi, Massachusetts, New Jersey, Maryland, Kentucky, Ohio, Iowa and Utah elect Of a century shall be restored."

> BIG VOTE EXPECTED. Indications Point to Fair Weather in

New York State. NEW YORK, Nov. 4.- The forecast for this State to-morrow is for clear weather in the eastern part of the State and showers in the western. These conditions are favorable to a large vote, and all of the parties expect to poll their full strength

The campaign in this city and State closed Saturday night, and little was done to-day beyond the distribution of sample by the leaders. An important detail of the election work was the distribution to-day of the last installments of cash for the expenses of watchers and other necessary uses to which the money will be put to-

The State offices to be filled by to-morrow's election are: Secretary of State, Controller, Treasurer, Attorney-general State Engineer and Surveyor, judge Court of Appeals, sixteen justices of the Supreme Court and the entire Legislature. A Representative in Congress will be elected in the Tenth district to fill a vacancy. Morton carried the State last year by

In New York city political interest centers in the contest for county clerk and register. Both the Democrats and the usionists claim the result in this city. elaborate arrangements have been made by the police department to keep order in this city. Two patrolmen have been assigned to each of the 1,392 polling places, and these, with the reserves, it is thought, will be ample to prevent disturb-ance. The polls in New York city open at 6 a. m. and close at 1 p. m. Much interest is taken in the result of the experiment with the blanket ballot, which has never been used in this State before.

NEW JERSEY WILL BE CLOSE.

Republicans, However, Expect Carry the State. JERSEY CITY, N. J., Nov. 4.-New Jersey will to-morrow vote for a Governor to succeed George Werts, the present Democratic incumbent, seven members of the State Senate and a full House of Assembly, sixty members. The Democratic candidate for Governor is Alexander L. McGill, the present Chancellor of the State. His opponent is John W. Griggs. The election is claimed by both parties by between two and five thousand. The voting will probably be light throughout the State, except in isolated counties, where local fights on the Assembly tickets have added interest to the campaign. In the large counties the registration is light and in favor of the Republicans. The State campaign has been fought on the same issues on which the Republicans carried the State in the last two elections. The race track and administration of State affairs by the Democrats during the ten years preceding 1893 were the issues raised by the Republicans. The Democratic leaders claim they will control the Assembly, but to do this they will have to carry Essex county, which they concede to be Republican on the State ticket.
Of the sixty members of the last House,
fifty-four were Republicans. This majority,
it is expected, will be largely cut down, and whichever party controls the House next session will not have a very large margin. Close observers predict that the majority in the House will not be more than five either way. The Senators to be elected will not affect the political complexion of that body. Five Republicans and two Democrats retire. The Republicans claim they will undoubtedly carry the five seats from which Republicans retire, and the Democrats say they will carry one of theirs, with a good chance of capturing the other. National issues have not entered inte the fight in this State to any great exconviction to the mind of an unprejudiced tent. Both sides contented themselves with

The Camden county Democratic executive ommittee this afternoon served a mandamus on City Clerk T. P. Varney citing him to appear before Supreme Court Justice Garrison to show cause why the voting booths erected in front of buildings designated as polling places should not be de-clared illegal. Justice Garrison stated that unless both sides should agree to the hearing he could not sit on the case. City Clerk Varney refused to agree to this and the court stated that it had nothing before it. Richard Ridgeway, counsel for the Democrats, stated that the votes cast outside of the buildings designated as polling places would be contested. A meeting of the county Republican executive committee was then called, and it was decided to place the voting booths inside of the buildings advertised. Word of this action on the part of the Democrats was telegraphed to all sections of the State.

WILL GO REPUBLICAN. Greenhalge Will Easily Carry the Bay State To-Day.

BOSTON, Nov. 4 .- So peaceful is the situation to all outward appearances in the political gubernatorial battle to be decided to-morrow that it is hardly possible to believe this is the election eve. Activity is be idle to predict a result, and all that can be said of it is that it looks anybody's confined to headquarters of the two big parties. The Democrats closed their campaign Saturday and the Republicans followed suit to-night with little vocal skirmishes on country town platforms and a final volley of campaign argument in the home of the Republican gubernatorial candidate-Lowell. In reality there has been little smoke from the political stump conflicts of the past month, so that balleting to-morrow will have none to clear away. From the lack of confidence on the Democratic side and the jubilant expressions of the Republicans, the outcome predicted. Governor Greenhalge is expected to be a second time re-elected with a decreased majority, the difference being accentuated more or less by general apathy in an "off year." The entire Republican State ticket, as customary, will follow the leader, while in senatorial and representative fights on local issues, there promises to be little change, thereby leaving the complexion of the next General Court as during the past year.

The principal local issue has been pre The principal local issue has been precipitated by the recent census bulletins for the increase in population calls for an entire redistricting of the State next year. The largest possible majority in the Legislature is accordingly an object worth fighting for in the opinion of the controlling powers in both parties. Election day is expected to be very quiet throughout the

OMAHA IS RESTLESS.

The Citizens' League Has Made a Vigorous Campaign.

OMAHA, Neb., Nov. 4.-All throughout Nebraska have their eyes on Omaha to-night, and the city is restless. The campaign has centered around Omaha almost exclusively. All concede that the Republican candidates for Chief Justice and Regents will be elected. Since they are the only State officials little attention is paid complete record that all further judicial

MOTION OF HINSHAW'S LAWYERS FOR A NEW ONE OVERRULED.

Allegations of the Defense Reviewed by Judge Hadley and Shown to Be Without Sufficient Basis.

THE CASE OF JUROR SURBER

WORDS ATTRIBUTED TO HIM INCON-SISTENT WITH HIS CHARACTER.

The Verdict Wholly Sustained by the Evidence-The Wife Murderer to Be Sentenced This Week.

Special to the Indianapolis Journal. DANVILLE, Ind., Nov. 4.-Judge Hadley, to-day, overruled the motion for a new trial for William E. Hinshaw, the convicted wifemurderer, and the attorneys for the defense gave notice of an appeal to the Supreme Court. There was a large crowd in the court room, but there was no demon stration whatever. Mr. Hinshaw will no be sentenced until later in the week. He was followed out of the court room by a large number of his friends, men and women. Judge Hadley, in his rulings, said

"The first complaint is on the court admitting Dr. Geis to testify on the stains upon a certain block of wood cut from the sill in the defendant's woodhouse. As a branch of the State's theory, it was contended that the defendant leaned on the wood-sill and threw articles into the street own blood. The insistence of the defense is that to give this evidence any weight the jury must infer that the stains were made the night of the tragedy, and further infer that they were made by the defendant's blood and that this was improper, first, because the time of the discovery of the stains was too remote from the homicide, and second, because it would be piling inference upon inference. It should be borne in mind that the question is to the competency of the evidence and not to its weight. Blood stains have been received by courts as indicative of homicide from time immemorial and subject to proof by the same manner and by the same class of evidence as any other fact. It is said in "People vs. Fernandez, 35th New York." that "the proof of the character and appearance of stains by those who saw them has always been regarded by the courts as primary evidence. It is in its nature original proof and in no sense secondary in its character. The degree of force to which it is entitled may depend upon a variety of circums ances, to be considered and eighed by the jury in each particular case but its competency is too well settled to be questioned in a court of law. 'If these stains had been discovered the next morn-ing after the homicide and had then a fresh appearance, there would hardly have been any question raised as to the competency of the evidence. Lapse of time has then in-validated it if invalid at all.

EXPERT TESTIMONY. "Dr. Geis is an expert witness-a witness skilled in analytical chemistry, and had verified the stains by the application of scientific tests. Courts will judicially know that the character of blood stains may thus be determined at seven months as well as seven hours after made, probably not with the same degree of certainty, but with sufficient accuracy to make it acceptable to men of science as a scientific fact. It is said in Lindsey vs. People, 63d New York, that 'so far as lapse of time detracts from the force of the evidence is for the consideration of the jury.' "If, then, the character of the stains in question could be determined at the time of discovery, that is, they were made by human blood, nothing more could have been determined by them if discovered the next morning after the tragedy. To give force to the evidence at one time or the other the jury must have inferred that they were made on the night of and as a sequence to the homicide and that they were made by the defendant's blood. Standing alone at either time, the stains would prove noth-

correlative facts, could give rise to no inculpatory inference. "A legitimate inference is not necessarily ed to a single fact proved, but may and often does have its growth from a number of established facts. Indeed, it is the association of a number of facts, all logically and coherently pointing the same way and corroborating one another that produces the strongest and most trust-worthy evidence. And viewing the other inference facts in the case centering about the proposition of effort to conceal guilt legitimately to be considered by the jury, and from the body of which it was competent for them to draw any logical and said that to give force to the testimony the jury must necessarily or even might "The refusal of the court to strike out He testified that the stains were old and made by the blood of a mammal, not the blood of an ox, a pig. nor of a sheep, but it was consistent with human blood. From this it was urged that to give weight to the testimony the jury must presume it was human blood and that the stains were made on the night of the tragedy and with de-fendant's blood. The doctor did not state with any great certainty that it was human blood, but it was consistent with human blood. How much weight should be given the doctor's testimony, whether any at all, was for the jury to determine, and I think

"Some degree of inference must always ccompany human testimony. It must be inferred that the witness spoke the of the subject; he had not been deceived and that the language conveyed his meaning, and no more was required of the jury in weighing his evidence.
"It is alleged that the court erred in allowing the State to put in evidence the block of wood upon which the stains were found. The question arising upon this as-

signment is the same as that arising upon the admissibility of the testimony of the

NO HARM TO DEFENDANT. "It is insisted that the court erred in giving instructions Nos. 10, 12 and 26, and in refusing to give Nos. 10, 11, 14, 16, 181/2, 19% and 2231/2, requested by the defendant. I have carefully reviewed the instructions and have falled to discover what seems to me any commission or omission prejudicial to the defendant. The last clause of No. 12 is: 'It is su sufficient if he create in the minds of the jury a reasonable doubt of the existence of such fact.' It is contended that by the language used the jury was informed that the onus was upon the defendant to create a reasonable doubt, Technically considered, the defendant creates neither doubt nor certainty. It is the evidence or the want of evidence that creates the one or the other. It would have been more apt, in stating the proposi-tion, to have said 'it is sufficient if the evidence creates in the minds, etc.,' but it would hardly have conveyed a different neaning to the jury. Viewing the instructions as a whole, it is not apparent that the jury could have been mislead by them." "It is claimed the court erred in allowing George Duncan, a grand juror, to testi-fy as to what the defendant told the grand jury. Only part of what defendant said be-fore the grand jury was reduced to writing. It is urged that this is the best evi-dence of what defendant says. Counsel, in argument, said they based their contention apon no statute, but upon common law principles and insisted that the law governing testimony of witnesses before the coroner and dying declarations was applicable. We cannot agree that the rule is so broad as contended, for the law compels the grand jury to select a clerk who shall make a minute of their proceedings which shall be preserved for the prosecutor. This did not strengthen the position taken, but it is claimed that the clerk put in writing all the defendant said. The clerk will be prethe defendant said. The clerk will be pre-sumed to have done only what the law requires, make a minute of what was said, the Legislature intended nothing more

inquiry about the testimony should be thus concluded. Evidence before the coroner rests upon a different foundation. The corner is directed by law to reduce all testimony to writing and have witnesses sign it. It will be noted that the clerk of the grand jury is required to reduce only a part of the evidence to writing, while the coroner is required to reduce all. In no sense is the rule governing dying declarations applicable here. Declarations made in extremis may be valid in parol, but when a party has the strength and deem it of sufficient importance to put part of his statement in writing the law presume he put it all in writing. The principle of this rule is different from that operating withia witness before the grand jury. There the witness is not a judge of what shall be put in the minute. The clerk may put down only one of a dozen important statements before the grand jury. Shall it be said that the other eleven shall be sealed against judicial investigation?

AS TO JUROR SURBER. "The conduct of A. A. Surber, a juror, is arged as a reason for a new trial. Affidavits have been filed that he made strong statements concerning the defendant before he went into the jury box. After being sworn Mr. Surber said he did not know the defendant, did not know his family nor his wife's family; had read of the case but never talked with any witnesses. All he heard was hearsay. He had formed and expressed some opinion.

"'Do you still have the opinion,' he was asked.. He replied 'My opinion has never been changed.

"'You still hold the opinion?"
"Yes, sir.' "If you are accepted as a juror that opinion would stand in your mind until evidence is introduced which would show differents facts and lead you to change

'Yes, sir.'

do not think it would."

one way or another?" to come to a verdict contrary to that opinion which you have now formed than it would to lead you to come to a verdict in accordance with the opinion you now "'I know nothing of the evidence and I

"But you have an opinion?" present in your mind as an affirmative fact whatever and have that stand in your mind

until the evidence shows him guilty?"

"The defendant was entitled to full information of the condition of the minds of urors and upon all other subjects inquired of. If the condition of mind toward the defendant was misrepresented or any fact inquired or withheld then it may not be said in a case like this to work no harm to the defendant, but in this case there is no pretense and can be none that the juror misrepresented or withheld any fact inquired of unless it be the real state of mind toward the defendant. But who the juror knows the actual state of mind. No attempt has been made to show that any of the facts or the source of his inforwhat he stated. If the juror is to be believed when put to the solemn test of an oath it makes no difference what idle and frivolous statements he made in gossipy conversation with his neighbors. The test was not what he said in discussing rumors, but what frame of mind was he in to give the defendant the benefit of the law and the evidence. The statement to W. N. Crabb is most complained of. Mr. Surber denies the conversation with Mr. Crabb. CRABB AND SURBER.

Mr. Crabb fixes the time four months before he is called on to produce the words. He is the father-in-law of Mr. Parker, counsel for the defendant, lives in the same house with him and eats at the same table. He knew Mr. Surber was on the jury within a few days after the jury was accepted. but did not tell Mr. Parker of his talk with Mr. Surber until inquired of after the verdict. The men are both of high character and respectability, but the language atributed to Mr. Surber is so intemperate, if taken seriously, to be wholly incompata-ble with his well-established character for conservatism, and inclines me to believe Mr. Crabb, as he stated the case was often discussed in his bank, has confused the conversation with Mr. Surber with that of some one else. It is contended that the verdict is sustained by the evidence. I do not know of any useful purpose to be attained by a liscussion of the evidence. The rule laid down is that it must clearly appear to the trial court that substantial justice has been done, or the court should set aside the ver-dict, and in the Supreme Court it must ing but themselves, and unassisted by other

clearly appear that substantial justice has not been done before that court can interfere. It is obvious that the rule cannot be extended without infringing upon the right of the trial by jury. If it be true that upon a motion for a new trial the judge must weigh the evidence and determine the facts as did the jury, and if he should fail to reach the same conclusion some material fact, he should grant a new trial, what is gained by submitting the cause to a jury in the first instance? experience and wisdom of centuries have confirmed trial by jury as the surest and safest method of administering justice. So well is the principal grounded that our Legislature has provided that a man charged with murder cannot submit his trial to a court without a jury, even after agreement between the prosecutor and himself. A jury of twelve can only try him. It is obvious that the judge cannot interfere, because the moral force of the evidence does not affect him as it does the jury.

The jury whose verdict is under question has had few superiors in this county. Rarely indeed has more intelligent probity of character been banded in a jury than is found in this, All are in middle life, progressive men of affairs and all identified with the interests of the county. No word of suspicion has been raised against any one of them. They were not allowed to separate. Their attention to the proceedings was a common remark, and that the verdict returned was their honest opinion. pronounced after impartial and intelligent onsideration, there can be no doubt. have not been convinced that prejudicial error was committed, nor that the verdict was not sustained by the evidence, therefore the motion for a new trial is overruled. HARRISON AT CHICAGO.

The General Wakes Up His Opponents in an Important Patent Case.

CHICAGO, Nov. 4.- The fact that ex-President Harrison would be present as counsel in the case of the Standard Elevator Company vs. the Crane Elevator Company, attracted a large crowd to the session of the United States Circuit Court of Appeals to-day. The case is a celebrated one, and has in the past involved personal encounters between the attorneys. General Harrison was first to address the court on the appeal to-day. He charged attorney Raymond and the Crane Elevator Company with taking the Standard's model from the old postoffice building and leaving his side handicapped. There was a flutter of excitement at the making of the charge. General Harrison recounted the declarations of the ex-assistant custodian of the postoffice building and the janitor of the Federal Circuit Court as to the removal of the models. Mr. Raymond made emphatic denial that he or his associates were responsible for the abstraction of the models, and said if they had been removed by Crane's employes, it was through error. After considerable further argument, General Harrison said he had blue prints and could proceed with them. He simply did not wish to be held responsible for any fault, if in the course of the trial it be-came apparent that the model itself should be in court. This statement set matters right and Judge Woods said the bench, could proceed with the print. The ex-pected investigation of the disappearance of the model vanished and Mr. Brown addressed the court with an explanation of the various patents involved.

Great Blast Fired.

ROCKLAND, Me., Nov. 4.—The greatest blast ever fired in this section of the country was sent off this afternoon, when 650 kegs of powder and a large quantity of dynamite were exploded at the Long Cove granite quarry. The explosion cost the company \$3,000 and was successful in loosening 300,000 tons of granite. Hun-

AND JUDGE DIVEN HAD HIM AR-RESTED FOR CONTEMPT.

William H. Freeman Alleged to Have Given a Secret Signat of Distress in an Anderson Court.

BANKER'S WIFE DEMENTED

MRS. ELLEN WINSTANLEY SENT TO AN ASYLUM FOR TREATMENT.

Culver Locomotive Plant Secured by Anderson-Two Villages in Danger of Destruction by Fire.

Special to the Indianapolis Journal. ANDERSON, Ind., Nov. 4.-William H. Freeman, of Hemlock, Ind., was arrested here to-day in the Superior Court room, on the order of Judge W. S. Diven, charged with contempt. Mr. Freeman came here to attend a trial, in which his brother, Arthur Freeman, was interested. "'To that extent it would influence you While a motion was being argued for a new trial William Freeman walked into "'Yes, sir, that far.'
"'Would it take more evidence to lead you the court room and took a position immediately in front of the judge. He gave the Masonic sign of distress to Judge Diven, and when the latter exclaimed, "What do you mean, sir?" repeated it. Thereupon the judge ordered his immediate arrest, In the office of Sheriff Storn Freeman pro-"'Yes, sir, I have.'
"'Could you start into the trial having fluence the judge. He is a member of much excitement, and is the first event of its kind where a Mason was arrested "'You have no prejudices whatever for making the sign of distress to a against the defendant?"

MRS. WINSTANLEY INSANE. The Banker's Wife Tuken to a Sanitarium at Cincinnati.

special to the Indianapolis Journal. NEW ALBANY, Ind., Nov. 4,-Mrs. Ellen Winstanley, wife of Isaac S. Winstanley, formerly of the New Albany Banking Company, was taken to-day to a sanitarium at Cincinnati for treatment. eral years. Last Saturday, it is alleged, she was enticed from home by Jack Given, of this city. She was absent only a short time, but when she returned a diamoni brooch was missing. The family destrea became public to-night. No arrests have yet been made.

ALLEGED WIFE MURDERER. Mysterious Case Against Henry Wiley on Trial at Shelbyville.

Special to the Indianapolis Journal. SHELBYVILLE, Ind., Nov. 4 .- The case against Henry Wiley, charged with wife murder, was called in the Circuit Court this morning. There are several mysterious features in connection with the case and it is exciting a great deal of interest. The evidence in the case is nearly all circumstantial. Wiley is originally from Milroy, in Rush county. His wife was Miss Eleanor Innis, daughter of one of the richest and most influential families in that section. One of her brothers is Robert Innis, a furniture manufacturer of Rushville, They lived at the time of the tragedy near Freeport, north of this city, on a four-acre farm belonging to Mrs. Wiley. With them lived a hired hand. On the morning of July 4, the hired man went into the bed-room of Mr. and Mrs. Wiley to awaken them and found Mrs. Wiley on the floor dead, and Wiley in the bed apparently sound asleep. An undertaker was called, and in preparing the body for burial marks of fingers were found on her throat and several bruises on the back of the neck. Wiley went to Rush county, where he was captured shortly after while in the river bathing. The defendant had many quarrels with his wife and frequently came home intoxicated. The State will try to prove that he choked her to death. Love & Morrison and Wray & Campbell are for the State, while the prisoner sits between his attorneys, Hord & Adams. He is a large, raw-boned fellow with long bushy whiskers and looks the typical backwoodsman.

TWO VILLAGES THREATENED.

Prairie Fires in Northern Indiana Spreading Rapidly.

Special to the Indianapolis Journal. VALPARAISO, Ind., Nov. 4 .- To-night the villages of Hamlet and Davis, two stations on the Fort Wayne road, are threatened with total destruction. The Kankakee marsh, which lies twelve miles south of these villages, is on fire. Since o'clock the citizens have been trying to keep the fire from spreading, and to-night they became alarmed and notified the Pennsylvania railroad people, who at once ordered all section men and every man they could secure from this city to Plymouth to assist in protecting the property. All west-bound passenger trains are late from one to two hours at this station. A late telegram says already thousands of dollars' worth of property has been de-

WILL GET THE WORKS. Anderson Completes the Deal for Culver Locomotive Plant.

Special to the Indianapolis Journal. ANDERSON, Ind., Nov. 4 .- For several weeks Andersonians have been working to secure the location of the Culver Locomotive Company, of Brooklyn. Andersonians were asked to purchase three hundred lots to secure this factory, which will give employment to five hundred men, and brings with it the Hayworth Agricultural Company, of Liberty, Ind., and a flint glass bottle factory, backed by Pittsburg capitalists. The last lot was sold this afternoon, and Elder W. R. Court, who has been managing the deal, closed the contract for Anderson and the Eastern captalists. He sent the following telegram to Mr. Edgar Smith, of Brooklyn, who is president of the Culver company: defeated medium. Hell routed, shouted. Works located here."

Corpse Found in a Burned Barn.

Special to the Indianapolis Journal. SHELBYVILLE, Ind., Nov. 4.-This morning the large barn on the farm of Love Brothers, east of town, was burned, and in the ashes were found the charred remains of a human being. It is not possible to recognize them. The coroner describes it as that of a man of middle age, six feet five inches high, and having all the teeth with the exception of one, which was missing from the left side, of the upper jaw. From the position in which the body was found it is presumed that he was roasted alive. He is supposed to be "Dutch" Ross, a farm hand, who had worked for Love early in the summer. Loss on barn, \$2,000; insured.

Wants Receiver Removed.

Special to the Indianapolis Journal.

WABASH, Ind., Nov. 4.-Application has been made by Solomon Wilson, one of the heavy stockholders of the Wabash Church and School Furniture Company, for the removal of Receiver James Lynn, to whom the property of the company was assigned over a month ago. The affairs of the concern have been in a muddled condition for several years, and Wilson, who was most of this time general manager, alleges that the financial difficulties were due to mismanagement on the part of the other directors; that when the company became involved Mr. Lynn, who is a warm personal friend of J. S. Daugherty, the president, was made trustee as part of a conspiracy to destroy he value of the business and "dump" him. Wilson. It is also charged that the prop